

**CODE OF CONDUCT &  
DISCIPLINARY PROCEDURE**



**KNOWLEDGE MANAGEMENT SOUTH AFRICA (KMSA)  
CODE OF CONDUCT & DISCIPLINARY PROCEDURE**

<b>Document Name</b>	<b>Code of Conduct &amp; Disciplinary Procedure</b>
<b>Revision Status</b>	<b>Draft for Consultation with Members</b>
<b>Issue Date</b>	<b>November 2020</b>
<b>Next Review Date</b>	<b>TBC</b>

# CODE OF CONDUCT & DISCIPLINARY PROCEDURE



## ACRONYMS

<b>KMSA</b>	Knowledge Management South Africa
<b>NQF</b>	National Qualification Framework
<b>POE</b>	Portfolio of Evidence
<b>RPL</b>	Recognition of Prior Learning
<b>SAQA</b>	South African Qualifications Authority

DRAFT

# CODE OF CONDUCT & DISCIPLINARY PROCEDURE



## DEFINITIONS

Term	Definition
Appellant	The person who seeks reversal or modification of the decision by KMSA.
Complainant	A person who makes a formal complaint to KMSA that they have been harmed by someone else conduct.
KMSA Board	A structure which jointly are responsible for the activities of KMSA.
KMSA Board Member	A member elected to assist in the supervision of KMSA
KMSA Member	A Knowledge Management professional with a KMSA annual active membership
KMSA Non-Member	A Knowledge Management professional without a KMSA annual active membership
KMSA Secretariat	An entity involving multiple individuals executing daily administrative tasks on behalf of KMSA Board
Panel	A group of individuals with varying expertise tasked to provide input and opinion is required for an evaluation and make recommendations
South African Qualifications Authority	The Authority established by the National Qualifications Framework Act (Act 67 of 2008)
Qualification	A qualification or part qualification registered on the NQF

**Table of Contents**

**1. INTRODUCTION ..... 1**

**2. OBJECTIVE..... 1**

**3. PURPOSE..... 1**

**4. POLICY APPLICATION..... 1**

**5. POLICY CONTENT ..... 1**

**5.1 PROFESSIONAL CONDUCT AND TECHNICAL COMPETENCE..... 1**

**5.2 FUNCTIONS OF THE DISCIPLINARY COMMITTEE..... 2**

**5.3 INVESTIGATION OF ALLEGED BREACHES OF THE CODE ..... 2**

**5.4 THE DISCIPLINARY HEARING..... 3**

**5.5 PROCEDURE AT THE DISCIPLINARY HEARING..... 4**

**5.6 RECOMEMNDATION OF THE DISCIPLINARY PANEL..... 6**

**5.7 RECOMMENDATION OF THE DISCIPLINARY COMMITTEE..... 6**

**5.8 THE KMSA BOARD DECISION ..... 6**

**5.9 APPEAL AGAINST THE RECOMMENDATION/S OF THE DICIPLINARY  
COMMITTEE..... 7**

**5.10 THE APPEAL..... 8**

# CODE OF CONDUCT & DISCIPLINARY PROCEDURE



## 1. INTRODUCTION

- 1.1. Knowledge Management South Africa (KMSA) members are required to uphold, commit and conform to prescribed ethical principles and a high standard of professionalism in their professional and business dealings. The process is detailed below.

## 2. OBJECTIVE

- 2.1. The objectives of the Code are to ensure that KM professional:
- 2.1.1 Apply their knowledge and skill in the interests of the public and the environment
  - 2.1.2 Execute their work with integrity, sincerity and in accordance with generally accepted norms of professional conduct.

## 3. PURPOSE

- 3.1 The purpose of the code of conduct is to articulate the values that KMSA wishes to foster in KM leaders and members and, in doing so, explains the desired behavior.

## 4. POLICY APPLICATION

- 4.1. The policy applies to all KMSA members and actively play part in its implementation and enforcement.

## 5. POLICY CONTENT

### 5.1 PROFESSIONAL CONDUCT AND TECHNICAL COMPETENCE

KMSA members:

- 5.1.1 Must have full regard to the public interest, public safety and public health.
- 5.1.2 Are expected to act in the best interest of the Association and the knowledge management profession, and in accordance with the KMSA constitution and related by-laws.
- 5.1.3 Shall exercise honesty, objectivity, integrity, respect, accountability, responsibility and diligence in the performance of their duties and responsibilities.
- 5.1.4 Shall perform their duties in accordance with applicable laws, regulations and technical standards, complying with both their specifics and intent.
- 5.1.5 Shall not knowingly engage in acts or activities that are discreditable to the profession of knowledge management or to their organisations.
- 5.1.6 Must ensure that their actions do not bring the name of the KMSA into disrepute.
- 5.1.7 Must avoid conflicts of interest, or the appearance of such, and will disclose any circumstances or interests that might influence judgement and objectivity.

# CODE OF CONDUCT & DISCIPLINARY PROCEDURE



- 5.1.8 Shall not accept anything of value from an employee, client, customer, supplier, or business associate of their organisation that could impair or be presumed to impair their professional judgment.
- 5.1.9 Must be fair and impartial in the provision of advice and judgement to an employer or client or any other party to a management work agreement in which s/he is involved.
- 5.1.10 Must, at all times, refrain from discrediting other knowledge management professionals
- 5.1.11 Ensure that any advertisement of his professional services is not self-laudatory, is true, factual, dignified and creditable to the knowledge management profession, is not misleading and does not imply in any manner that another practice would render a lesser service.
- 5.1.12 Ensure the appropriately use of funds, consistent with their company policies and in accordance with the KMSA constitution and by-laws.
- 5.1.13 Shall strive through personal initiative to maintain professional competence, and keep abreast of emerging issues, world trends, etc. through active participation in formal and informal educational and professional activities in the field of knowledge management.
- 5.1.14 Shall contribute to the development of the knowledge management profession through the sharing of skills, ideas, and participation in networking to promote and enhance the competence of the profession.
- 5.1.15 Are bound by the provisions of this code of conduct and must adhere to the provisions herein.

## 5.2 FUNCTIONS OF THE DISCIPLINARY COMMITTEE

The KMSA Disciplinary Committee (DC) must:

- 5.2.1 Ensure that alleged breaches of the code are investigated;
- 5.2.2 Establish investigating panels to investigate alleged breaches of the code;
- 5.2.3 Establish disciplinary panels to conduct disciplinary hearings into alleged breaches of the code;
- 5.2.4 Ensure that disciplinary hearings are fair and comply with the procedures set out in this document; and on the basis of recommendations received from the disciplinary panels, recommend findings and appropriate sanctions if any, to the KMSA Board in respect of breaches of the code;
- 5.2.5 The members of investigating and disciplinary panels established by the disciplinary committee need not be members of KMSA.

## 5.3 INVESTIGATION OF ALLEGED BREACHES OF THE CODE

- 5.3.1 Any person who believes that any member has breached the code may lodge a complaint with KMSA.

# CODE OF CONDUCT & DISCIPLINARY PROCEDURE



- 5.3.2 The complaint should preferably:
- Be in writing to the Board of KMSA at [kmsaservices@vdw.co.za](mailto:kmsaservices@vdw.co.za) , and
  - Clearly disclose the alleged breach of the code.
- 5.3.3 The disciplinary committee may investigate any alleged breach of the code, where a complaint has been lodged. (The DC will only investigate where a complaint is lodged)
- 5.3.4 The KMSA Board chairperson must, as soon as practicable after receiving a complaint, refer it to the disciplinary committee for consideration within 7 days.
- 5.3.5 The disciplinary committee must refer an alleged breach to an investigating panel for investigation within 14 days.
- 5.3.6 An investigating panel may, in investigating any alleged breach of the code:
- interview complainants and other possible witnesses;
  - subject to clause 3.7, interview the member who is alleged to have breached the code;
  - notify the member of the alleged breach;
  - gather evidence relevant to the alleged breach;
  - if necessary, cause summons to be served on any person who may assist the panel in its investigation;
- 5.3.7 Give the member an opportunity to respond within the period specified in that notice.
- 5.3.8 Before interviewing any member, the investigating panel must:
- warn the member of the member's right against self-incrimination; and
  - warn the member that any admission or explanation given by the member may be used as evidence against the member at a disciplinary hearing.
- 5.3.9 The investigating panel must keep a record of the investigation.
- 5.3.10 If an investigating panel is satisfied that there is sufficient evidence of a breach of the code by a member, the disciplinary committee may refer the matter to a disciplinary panel for hearing.
- 5.3.11 A member of a panel that has investigated an alleged breach of the code cannot serve as a member of the disciplinary panel which hears the matter.
- 5.4 THE DISCIPLINARY HEARING
- 5.4.1 Once a matter has been referred for hearing by a disciplinary panel, the chairperson of the disciplinary committee must issue a summons within thirty (30) days to the member who has allegedly breached the code.
- 5.4.2 The summons must disclose:
- the nature of the alleged breach;
  - the date, time and venue of the disciplinary hearing;

## CODE OF CONDUCT & DISCIPLINARY PROCEDURE



- c. the member's right to be represented at the disciplinary hearing, including the right to legal representation
- d. the member's right to call witnesses to give evidence and to produce evidence in the form of documents and other items in support of the member's case; and
- e. the member's right to make written submissions against any recommendation of the disciplinary panel to the disciplinary committee.

5.4.3 The summons must be served to the relevant contact details appearing on the KMSA register by way of:

- a. email; or
- b. registered post or any form of delivery that will ensure that the summons has been duly delivered and signed for as proof of receipt.

5.4.4 The date on which the summons is served is regarded as, in the case of:

- a. service by hand, the date of delivery;
- b. service by email, the dispatching date reflected on the email; and
- c. service by registered post, the date on which the letter was signed for in the absence of proof to the contrary.

5.4.5 The summons must be served on the accused at least ten (10) working days before the date of the disciplinary hearing.

5.4.6 If in the opinion of the panel, the offence committed is of such a nature that the accused member could commit said similar offence or worse, the panel may decide to proceed with the matter in the absence of proof of delivery of the summons.

5.4.7 The chairperson of the disciplinary committee may issue a summons to any other person to attend the disciplinary hearing in order to give evidence or to produce any evidence, documents or other items.

5.4.8 If the member fails to attend a disciplinary hearing, the disciplinary panel may deal with the matter in the absence of the member.

5.4.9 Any person who fails to attend a disciplinary hearing when summoned to do so, or fails to stay in attendance until excused by the disciplinary panel, his KMSA membership will be terminated until such time that the matter is corrected.

### 5.5 PROCEDURE AT THE DISCIPLINARY HEARING

5.5.1 The disciplinary panel may exclude any person or category of persons from attending a disciplinary hearing:

- a. on reasonable grounds; or
- b. if the orderly conduct of the inquiry so requires.

5.5.2 The disciplinary panel may postpone or adjourn a disciplinary hearing:



## CODE OF CONDUCT & DISCIPLINARY PROCEDURE



- a. at its discretion; or
  - b. on the request of any party to the hearing, prior to the date set for hearing;
- 5.5.3 A postponement will not be granted where a particular member's representative is otherwise engaged on the hearing date.
- 5.5.4 The disciplinary committee may appoint one or more suitably qualified assessors to be present at a disciplinary hearing, and to advise the disciplinary panel on matters of law, procedure and evidence, or other matters requiring specific expertise.
- 5.5.5 Any member charged with an alleged breach of the code is entitled to representation, including legal representation at any disciplinary hearing.
- 5.5.6 The disciplinary panel must:
- a. Keep a voice record of the evidence at a hearing;
  - b. keep written records (minutes) of the hearing; and
  - c. administer an oath or affirmation to any witness at a hearing.
- 5.5.7 At the commencement of the hearing, the disciplinary panel must:
- a. put the charge to the member and ask the member to plead to the charge;
  - b. inform the member of the member's rights:
    - (i) to representation, including legal representation;
    - (ii) against self-incrimination;
    - (iii) to an interpreter; and
    - (iv) to adduce evidence and challenge evidence at the hearing.
- 5.5.8 If the member:
- a. pleads guilty to the charge, the disciplinary panel must decide whether or not to hear evidence regarding the charge;
  - b. pleads not guilty, the disciplinary panel must hear the evidence regarding the charge;
  - c. refuses or fails to plead, the disciplinary panel must enter a plea of not guilty and must hear evidence regarding the charge.
- 5.5.9 If the member charged with a breach of the code fails to attend the disciplinary hearing, and the disciplinary panel decides to proceed with the matter in the absence of the member, it must enter a plea of not guilty and hear evidence regarding the charge.
- 5.5.10 If the disciplinary panel decides to hear evidence pertaining to the charge, every party to a hearing or the party's representative is entitled to:
- a. lead evidence in support of their case;
  - b. cross-examine any witness of an opposing party; and
  - c. re-examine any witness led by that party.
- 5.5.11 Members of the disciplinary panel may question any witness at the hearing.

## CODE OF CONDUCT & DISCIPLINARY PROCEDURE



5.5.12 The record of any evidence of a breach of the code in any criminal proceedings or disciplinary proceedings by an employer constitutes prima facie evidence of such breach by a member for purposes of a disciplinary hearing in terms of the Act.

### 5.6 RECOMMENDATION OF THE DISCIPLINARY PANEL

5.6.1 The disciplinary panel must make its recommendation on whether or not there has been a breach only after:

- a. evidence has been completed; and
- b. every party to an inquiry has been given a fair opportunity to be heard.

5.6.2 If the disciplinary panel recommends that the member has breached the code, the panel must request the parties to make representations on an appropriate sanction. This may include the leading of further evidence, including evidence on any previous convictions of the member for breaches of the code. A certificate issued by the chairperson containing details of any previous convictions constitutes prima facie evidence of such previous convictions.

5.6.3 If the disciplinary panel recommends that the member has breached the code and recommends a sanction it must:

- a. record its recommendations;
- b. inform the member in writing of its recommendations; and
- c. submit the record of the hearing and its recommendations to the disciplinary committee.

### 5.7 RECOMMENDATION OF THE DISCIPLINARY COMMITTEE

5.7.1 On the basis of the recommendation of the disciplinary panel the disciplinary committee must recommend a finding and appropriate sanction, if any, to the KMSA Board and inform the member concerned accordingly.

5.7.2 A member who is dissatisfied with a recommendation of the disciplinary committee, may make written submissions to the KMSA Board within fourteen (14) days of his or her knowledge of the recommendation of the disciplinary committee.

5.7.3 The written submissions must set out the grounds on which the member believes the recommendation to be wrong.

### 5.8 THE KMSA BOARD DECISION

5.8.1 The Board, after considering the recommendation by the disciplinary committee and submissions by the member concerned, if any, may:

## CODE OF CONDUCT & DISCIPLINARY PROCEDURE



- a. accept, reject or substitute the recommendation of the disciplinary committee wholly or in part;  
or
- b. refer the matter to the appeals committee for review.

5.8.2 The Board may impose the following sanctions on a member who is found guilty of a breach of the code:

- a. a caution or reprimand;
- b. a fine not exceeding one month's salary; or
- c. the removal of the member's name from the register for a specified period or indefinitely, or subject to specific conditions.

5.8.3 The Board may suspend any sanction contemplated in clause 9.2 for a period and on conditions determined by it.

5.8.4 The Board must inform the member in writing of its decision.

5.8.5 The KMSA's Board decision is final.

5.8.6 The KMSA board:

- a. may publish such information relating to the hearing as it deems reasonable; and
- b. may not publish information relating to a hearing which reveals or may reveal the personal identity of any person affected by the proceedings.

### 5.9 APPEAL AGAINST THE RECOMMENDATION/S OF THE DISCIPLINARY COMMITTEE

5.9.1 The Board, after considering the recommendation by the disciplinary committee and submissions by the member concerned, if any, may:

- a. accept, reject or substitute the recommendation of the disciplinary committee wholly or in part;  
or
- b. refer the matter to the appeals committee for review.

5.9.2 The Board may impose the following sanctions on a member who is found guilty of a breach of the code:

- a. a caution or reprimand;
- b. a fine not exceeding one month's salary; or
- c. the removal of the member's name from the register for a specified period or indefinitely, or subject to specific conditions.

5.9.3 The Board may suspend any sanction contemplated in clause 9.2 for a period and on conditions determined by it.

5.9.4 The Board must inform the member in writing of its decision.

5.9.5 The KMSA's Board decision is final.

## CODE OF CONDUCT & DISCIPLINARY PROCEDURE



5.9.6 The KMSA board:

- a. may publish such information relating to the hearing as it deems reasonable; and
- b. may not publish information relating to a hearing which reveals or may reveal the personal identity of any person affected by the proceedings.

5.10 THE APPEAL

5.10.1 The appeal referred to in Section 10 above must specify the grounds upon which the accused believes the finding/s and sanction to be wrong.

5.10.2 The appellant, the KMSA and the complainant or their representatives should be given an opportunity to present argument on the appeal before the Appeal Committee reaches a decision.

5.10.3 The Appeals Committee will make a recommendation to the KMSA based on their findings.

5.10.4 The KMSA Board after considering the finding and penalty recommended by the Disciplinary

- a. Committee or the Appeals Committee, may-
  - (i) confirm or set aside the finding;
  - (ii) confirm or set aside the sanction; or
- b. refer the matter back to the Disciplinary Committee or Appeals Committee as case may be for further deliberations.

5.10.5 A disciplinary finding and sanction only take effect on confirmation by the KMSA.